

PAUL, HASTINGS, JANOFSKY & WALKER LLP
E. JEFFREY GRUBE (Cal. State Bar No. 167324)
RISHI N. SHARMA (Cal. State Bar No. 239034)
RYAN C. HESS (Cal. State Bar No. 263079)
55 Second Street, 24th Floor
San Francisco, California 94105-3441
Telephone: (415) 856-7000
Facsimile: (415) 856-7100
jeffgrube@paulhastings.com
rishisharma@paulhastings.com
ryanhess@paulhastings.com

Attorneys for Defendant
UNITED PARCEL SERVICE, INC.

MARK C. PETERS (Cal. State Bar No. 160611)
DUCKWORTH • PETERS • LEBOWITZ LLP
235 Montgomery Street, Suite 1010
San Francisco, California 94104
Telephone: (415) 433-0333
Facsimile: (415) 449-6556
mark@dplsf.com

JOHN A. FURUTANI (Cal. State Bar No. 161757)
FURUTANI & PETERS LLP
350 West Colorado Boulevard, Suite 200
Pasadena, California 91105
Telephone: (626) 844-2437
Facsimile: (626) 844-2442
JAFurutani@furutani-peters.com

Attorneys for Plaintiff
KEITH RHINEHART

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KEITH RHINEHART,

Plaintiff,

vs.

UNITED PARCEL SERVICE, INC., and
DOES 1 through 25, inclusive,

Defendants.

No. C-09-0741 SI

**STIPULATION AND [PROPOSED] ORDER
TO CONTINUE MEDIATION DEADLINE**

STIPULATION

1. On May 6, 2009, following the initial case management conference, the Court ordered the parties to complete mediation with 150 days, or October 5, 2009.

2. The parties have participated in several telephone conferences with the Court's ADR staff and the court-appointed mediator. During these conversations, it has been difficult to schedule the mediation given the parties' conflicting trial schedules and the pendency of 53 other individual wage-and-hour lawsuits against United Parcel Service, Inc. alleging the same causes of action Plaintiff alleges in this action. The parties believe that until further cases proceed to trial, they will be unable to mediate a compromised valuation of Plaintiff's claim.

3. In addition, scheduling is made more difficult by the pendency of *Lopez v. United Parcel Service, Inc.*, No. C-08-5396 SI, and *Kline v. United Parcel Service, Inc.*, No. C-09-0742 SI, which are both before this Court, involve the same parties and legal claims, and have the same deadline to complete mediation.

4. Based on their trial schedules, the progress of discovery, and the desire to mediate this case in conjunction with its related cases, the parties agree to continue the deadline to complete mediation to December 31, 2009, and ask the Court adopt the parties' stipulation.

Dated: September 3, 2009.

PAUL, HASTINGS, JANOFSKY & WALKER LLP
E. JEFFREY GRUBE
RISHI N. SHARMA
RYAN C. HESS

By: /s/ Rishi N. Sharma

Rishi N. Sharma
Attorneys for Defendant
UNITED PARCEL SERVICE, INC.

DATED: September 3, 2009.

DUCKWORTH • PETERS • LEBOWITZ LLP
FURUTANI & PETERS LLP

By: /s/ Mark C. Peters

MARK C. PETERS
Attorneys for Plaintiff
KEITH RHINEHART

[PROPOSED] ORDER

Good causing appearing, the Court adopts the parties' stipulation as the order of the Court. The deadline to complete mediation is extended from October 5, 2009, to December 31, 2009.

IT IS SO ORDERED.

Dated: September __, 2009.



Susan Illston
United States District Judge